

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
10

11 TODD SCHUENEMAN et al.,
12 Plaintiffs,
13 v.
14 ARENA PHARMACEUTICALS, INC. et
15 al.,
16 Defendants.

Case No.: 3:10-CV-1959-CAB-BLM

**ORDER RE DEFENDANTS'
REQUEST FOR ATTORNEYS' FEES**

17
18 On August 21, 2017, the Court overruled Plaintiff's objections to Magistrate Judge
19 Major's July 21, 2017 Order. The Court also found that Defendants were entitled to their
20 reasonable fees and costs in connection with their opposition to Plaintiffs' objections to
21 Judge Major's order concerning Defendants' motion to compel. To that end, the Court
22 gave Defendants until August 28, 2017 to file a declaration or other evidence concerning
23 the amount of attorneys' fees and costs, and the Court gave Plaintiffs until September 5,
24 2017 to object to the reasonableness of the requested fees and costs.

25 Defendants request \$21,762 in fees for what amounts to roughly six pages or 2,183
26 words of briefing, much of which contained arguments that Defendants already made to
27 Judge Major. This equals approximately \$3,600 per page or \$10 per word to oppose what
28 Defendants argued, and the Court agreed, was a frivolous argument by Plaintiffs. There

1 are countless words that could be used to describe Defendants' fee request, but
2 "reasonable" is certainly not one of them. Outrageous would probably be the best
3 characterization of this request. In any event, Defendants have not satisfied their burden
4 to justify the reasonableness of their fee request. Moreover, because the request is so
5 patently unreasonable and lacking in support, the Court declines to award a lesser amount
6 of fees. Accordingly, notwithstanding the Court's August 21, 2017 order, no fees or costs
7 are awarded to Defendants.

8 It is **SO ORDERED**.

9 Dated: September 6, 2017



Hon. Cathy Ann Bencivengo
United States District Judge